


<b>FORM B1</b>		<b>United States Bankruptcy Court</b> <b>Northern District of Illinois</b>		<b>Voluntary Petition</b>	
Name of Debtor (if individual, enter Last, First, Middle): <b>Gaines, Barry E.</b>			Name of Joint Debtor (Spouse) (Last, First, Middle): <b>Gaines, Luminada S.</b>		
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):			All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names): <b>Sally Gaines</b>		
Last four digits of Soc. Sec. No. / Complete EIN or other Tax I.D. No. (if more than one, state all): <b>xxx-xx-5112</b>			Last four digits of Soc. Sec. No. / Complete EIN or other Tax I.D. No. (if more than one, state all): <b>xxx-xx-8620</b>		
Street Address of Debtor (No. & Street, City, State & Zip Code): <b>422 Metropolitan Waukegan, IL 60085</b>			Street Address of Joint Debtor (No. & Street, City, State & Zip Code): <b>422 Metropolitan Waukegan, IL 60085</b>		
County of Residence or of the Principal Place of Business: <b>Lake</b>			County of Residence or of the Principal Place of Business: <b>Lake</b>		
Mailing Address of Debtor (if different from street address):			Mailing Address of Joint Debtor (if different from street address):		
Location of Principal Assets of Business Debtor (if different from street address above):					
<b>Information Regarding the Debtor (Check the Applicable Boxes)</b>					
Venue (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.					
Type of Debtor (Check all boxes that apply) <input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other _____ <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank			Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input checked="" type="checkbox"/> Chapter 13		
Nature of Debts (Check one box) <input checked="" type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business			Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only.) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.		
Chapter 11 Small Business (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)			***		
Statistical/Administrative Information (Estimates only) <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses are paid, there will be no funds available for distribution to unsecured creditors.					
Estimated Number of Creditors		1-15	16-49	50-99	100-199
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estimated Assets					
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estimated Debts					
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Chapter 13N/P125**

**U.S. Bankruptcy Court**  
**Northern District of Illinois**  
**Filed: 01/20/2004**  
**Time: 11:14:38**  
**Debtor: BARRY E GAINES**  
**Case: 04-01982 Fee: 194**  
**Chapter: 13 Rec. #: 3056898**  
**Judge: A Benjamin Goldgar**  
**341 mtg: 03/02/2004 @ 10:00AM**  
**ConfHrg: 03/26/2004 @ 11:00AM**  
**Trustee: GLENN STEARNS**  
  
**1:04BK01982-BK001**

<p><b>Voluntary Petition</b> (This page must be completed and filed in every case)</p>		<p>Page <u>37</u> Debtor(s): <b>Gaines, Barry E.</b> <b>Gaines, Luminada S.</b></p>	
<p><b>Prior Bankruptcy Case Filed Within Last 6 Years</b> (If more than one, attach additional sheet)</p>			
<p>Location Where Filed: <b>- None -</b></p>		<p>Case Number:</p>	<p>Date Filed:</p>
<p><b>Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor</b> (If more than one, attach additional sheet)</p>			
<p>Name of Debtor: <b>- None -</b></p>		<p>Case Number:</p>	<p>Date Filed:</p>
<p>District:</p>		<p>Relationship:</p>	<p>Judge:</p>

<p><b>Signatures</b></p>	
<p><b>Signature(s) of Debtor(s) (Individual/Joint)</b> I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X <u><i>Barry E. Gaines</i></u> Signature of Debtor <b>Barry E. Gaines</b></p> <p>X <u><i>Luminada S. Gaines</i></u> Signature of Joint Debtor <b>Luminada S. Gaines</b></p> <p>_____ Telephone Number (If not represented by attorney)</p> <p><u>1/3/04</u> Date</p>	<p><b>Exhibit A</b> (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.</p> <p><b>Exhibit B</b> (To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.</p> <p>X <u><i>David M. Siegel</i></u> <u>1/3/04</u> Signature of Attorney for Debtor(s) Date <b>David M. Siegel</b></p> <p><b>Exhibit C</b> Does the debtor own or have possession of any property that poses a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No</p>
<p>X <u><i>David M. Siegel</i></u> <u>1/3/04</u> Signature of Attorney for Debtor(s) Date <b>David M. Siegel #6207611</b> Printed Name of Attorney for Debtor(s) <b>David M. Siegel &amp; Associates</b> Firm Name <b>PO Box 975</b> <b>Northbrook, IL 60065</b> Address <b>(847) 564-2191</b> Telephone Number <u>1/3/04</u> Date</p>	<p><b>Signature of Non-Attorney Petition Preparer</b> I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.</p> <p>_____ Printed Name of Bankruptcy Petition Preparer</p> <p>_____ Social Security Number</p> <p>_____ Address</p> <p>Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:</p> <p>_____ If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.</p> <p>X _____ Signature of Bankruptcy Petition Preparer</p> <p>_____ Date</p> <p>A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.</p>
<p><b>Signature of Debtor (Corporation/Partnership)</b> I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____ Signature of Authorized Individual</p> <p>_____ Printed Name of Authorized Individual</p> <p>_____ Title of Authorized Individual</p> <p>_____ Date</p>	

**United States Bankruptcy Court**  
**Northern District of Illinois**

In re **Barry E. Gaines,**  
**Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

Chapter **13**

**SUMMARY OF SCHEDULES**

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts from Schedules D, E, and F to determine the total amount of the debtor's liabilities.

			AMOUNTS SCHEDULED		
NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	158,000.00		
B - Personal Property	Yes	3	18,800.00		
C - Property Claimed as Exempt	Yes	1			
D - Creditors Holding Secured Claims	Yes	2		183,835.00	
E - Creditors Holding Unsecured Priority Claims	Yes	1		0.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	8		109,085.00	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	1			
I - Current Income of Individual Debtor(s)	Yes	1			5,766.00
J - Current Expenditures of Individual Debtor(s)	Yes	1			4,766.00
Total Number of Sheets of ALL Schedules		20			
Total Assets			176,800.00		
Total Liabilities				292,920.00	

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

### **SCHEDULE A. REAL PROPERTY**

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. (See Schedule D.) If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim."

If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
Single Family Home 422 Metropolitan Waukegan, IL 60085	Fee Simple	J	158,000.00	157,658.00

Sub-Total > **158,000.00** (Total of this page)

Total > **158,000.00**

(Report also on Summary of Schedules)

0 continuation sheets attached to the Schedule of Real Property

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

## SCHEDULE B. PERSONAL PROPERTY

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property."

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand	X			
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		Checking/Savings Account Great Lakes Credit Union	J	0.00
		Checking Account Bank of Waukegan	J	0.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		T.V., Furniture	J	1,000.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.	X			
6. Wearing apparel.		Normal Apparel	J	600.00
7. Furs and jewelry.	X			
8. Firearms and sports, photographic, and other hobby equipment.		Firearms - Pistol	J	100.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.		Whole Life Insurance Policy	J	0.00

Sub-Total > 1,700.00  
(Total of this page)

2 continuation sheets attached to the Schedule of Personal Property

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

**SCHEDULE B. PERSONAL PROPERTY**  
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
10. Annuities. Itemize and name each issuer.	X			
11. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Itemize.	X			
12. Stock and interests in incorporated and unincorporated businesses. Itemize.	X			
13. Interests in partnerships or joint ventures. Itemize.	X			
14. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
15. Accounts receivable.	X			
16. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
17. Other liquidated debts owing debtor including tax refunds. Give particulars.	X			
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X			
19. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			

Sub-Total > **0.00**  
(Total of this page)

Sheet 1 of 2 continuation sheets attached  
to the Schedule of Personal Property

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors  
**SCHEDULE B. PERSONAL PROPERTY**  
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Market Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
20. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	<b>X</b>			
21. Patents, copyrights, and other intellectual property. Give particulars.	<b>X</b>			
22. Licenses, franchises, and other general intangibles. Give particulars.	<b>X</b>			
23. Automobiles, trucks, trailers, and other vehicles and accessories.		<b>1996 Cadillac DeVille GLCU</b>	<b>J</b>	<b>5,000.00</b>
		<b>2001 Chrysler Voyager Chrysler Financial</b>	<b>J</b>	<b>12,000.00</b>
24. Boats, motors, and accessories.	<b>X</b>			
25. Aircraft and accessories.	<b>X</b>			
26. Office equipment, furnishings, and supplies.	<b>X</b>			
27. Machinery, fixtures, equipment, and supplies used in business.	<b>X</b>			
28. Inventory.	<b>X</b>			
29. Animals.		<b>Cat</b>	<b>J</b>	<b>100.00</b>
30. Crops - growing or harvested. Give particulars.	<b>X</b>			
31. Farming equipment and implements.	<b>X</b>			
32. Farm supplies, chemicals, and feed.	<b>X</b>			
33. Other personal property of any kind not already listed.	<b>X</b>			

Sub-Total > **17,100.00**  
(Total of this page)  
Total > **18,800.00**

Sheet 2 of 2 continuation sheets attached  
to the Schedule of Personal Property

(Report also on Summary of Schedules)

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

## SCHEDULE C. PROPERTY CLAIMED AS EXEMPT

Debtor elects the exemptions to which debtor is entitled under:

[Check one box]

- ☐ 11 U.S.C. §522(b)(1): Exemptions provided in 11 U.S.C. §522(d). Note: These exemptions are available only in certain states.  
☒ 11 U.S.C. §522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local law where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Market Value of Property Without Deducting Exemption
<b><u>Real Property</u></b>			
Single Family Home 422 Metropolitan Waukegan, IL 60085	735 ILCS 5/12-901	15,000.00	158,000.00
<b><u>Checking, Savings, or Other Financial Accounts, Certificates of Deposit</u></b>			
Checking/Savings Account Great Lakes Credit Union	735 ILCS 5/12-1001(b)	0.00	0.00
Checking Account Bank of Waukegan	735 ILCS 5/12-1001(b)	0.00	0.00
<b><u>Household Goods and Furnishings</u></b>			
T.V., Furniture	735 ILCS 5/12-1001(b)	1,000.00	1,000.00
<b><u>Wearing Apparel</u></b>			
Normal Apparel	735 ILCS 5/12-1001(a)	600.00	600.00
<b><u>Firearms and Sports, Photographic and Other Hobby Equipment</u></b>			
Firearms - Pistol	735 ILCS 5/12-1001(b)	100.00	100.00
<b><u>Interests in Insurance Policies</u></b>			
Whole Life Insurance Policy	735 ILCS 5/12-1001(b)	0.00	0.00
<b><u>Automobiles, Trucks, Trailers, and Other Vehicles</u></b>			
1996 Cadillac DeVille GLCU	735 ILCS 5/12-1001(c)	1,200.00	5,000.00
2001 Chrysler Voyager Chrysler Financial	735 ILCS 5/12-1001(c)	1,200.00	12,000.00
<b><u>Animals</u></b>			
Cat	735 ILCS 5/12-1001(b)	100.00	100.00



In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

### SCHEDULE D. CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding claims secured by property of the debtor as of the date of filing of the petition. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests. List creditors in alphabetical order to the extent practicable. If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS, INCLUDING ZIP CODE	C O D E B T O R	H U S B A N D W I F E J O I N T O R	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION IF ANY
Account No. 1606105606			1st Mortgage Balance					
Chase Mortgage 101 E. Town St. Columbus, OH 43215-5187		J	Single Family Home 422 Metropolitan Waukegan, IL 60085					
			Value \$ 158,000.00				129,351.00	0.00
Account No. 1606105606			1st Mortgage Arrears					
Chase Mortgage 101 E. Town St. Columbus, OH 43215-5187		J	Single Family Home 422 Metropolitan Waukegan, IL 60085					
			Value \$ 158,000.00				0.00	0.00
Account No. 1002612203			Auto Loan					
Chrysler Financial PO Box 2993 Milwaukee, WI 53201-2993		J	2001 Chrysler Voyager Chrysler Financial					
			Value \$ 12,000.00				20,000.00	8,000.00
Account No. 2119253			2nd Mortgage Balance					
EMC Mortgage 909 Hidden Rdg, #200 Irving, TX 75038-3813		J	Single Family Home 422 Metropolitan Waukegan, IL 60085					
			Value \$ 158,000.00				28,307.00	0.00
Subtotal (Total of this page)							177,658.00	

1 continuation sheets attached

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

**SCHEDULE D. CREDITORS HOLDING SECURED CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS, INCLUDING ZIP CODE	C O D E B O R	H W J C	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION IF ANY
			DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND MARKET VALUE OF PROPERTY SUBJECT TO LIEN					
Account No. <b>2119253</b>			<b>2nd Mortgage Arrears</b>					
<b>EMC Mortgage</b> <b>909 Hidden Rdg, #200</b> <b>Irving, TX 75038-3813</b>		<b>J</b>	<b>Single Family Home</b> <b>422 Metropolitan</b> <b>Waukegan, IL 60085</b>					
			Value \$ <b>158,000.00</b>				<b>0.00</b>	<b>0.00</b>
Account No.			<b>Auto Loan</b>					
<b>Great Lakes Credit Union</b> <b>Building 290</b> <b>Great Lakes, IL 60088</b>		<b>J</b>	<b>1996 Cadillac DeVille</b> <b>GLCU</b>					
			Value \$ <b>5,000.00</b>				<b>6,177.00</b>	<b>1,177.00</b>
Account No.								
			Value \$					
Account No.								
			Value \$					
Account No.								
			Value \$					

Sheet **1** of **1** continuation sheets attached to  
Schedule of Creditors Holding Secured Claims

Subtotal  
(Total of this page)

**6,177.00**

Total  
(Report on Summary of Schedules)

**183,835.00**

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

## **SCHEDULE E. CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name and mailing address, including zip code, and account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of this petition.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotal" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Repeat this total also on the Summary of Schedules.

☒ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

**TYPES OF PRIORITY CLAIMS** (Check the appropriate box(es) below if claims in that category are listed on the attached sheets.)

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(2).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$4,650\* per person earned within 90 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(3).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to \$4,650\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(5).

☐ **Deposits by individuals**

Claims of individuals up to \$2,100\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(6).

☐ **Alimony, Maintenance, or Support**

Claims of a spouse, former spouse, or child of the debtor for alimony, maintenance, or support, to the extent provided in 11 U.S.C. § 507(a)(7).

☐ **Taxes and Certain Other Debts Owed to Governmental Units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to Maintain the Capital of an Insured Depository Institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

\*Amounts are subject to adjustment on April 1, 2004, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

0 continuation sheets attached

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

## SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and account number, if any, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

☐ Check this box if debtor has no creditors holding unsecured nonpriority claims to report on this Schedule F.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	CODEBTOR H W J C	Husband, Wife, Joint, or Community	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
Account No. <b>351442</b>			<b>Purchases</b>				<b>Unknown</b>
<b>ABSCBN Unknown</b>	<b>J</b>						
Account No.			<b>Purchases</b>				<b>861.00</b>
<b>Aronson 3401 W. 47th St. Chicago, IL 60632</b>	<b>J</b>						
Account No. <b>5491 1302 5075 7861</b>			<b>Services</b>				<b>5,184.00</b>
<b>AT&amp;T Universal Card PO Box 6904 The Lakes, NV 88901-6904</b>	<b>J</b>						
Account No. <b>085900000250931904</b>			<b>Services</b>				<b>768.00</b>
<b>AT&amp;T Wireless PO Box 8220 Aurora, IL 60572-8220</b>	<b>J</b>						
Subtotal (Total of this page)							<b>6,813.00</b>

7 continuation sheets attached

In re **Barry E. Gaines,  
Lumnada S. Gaines**

Case No. \_\_\_\_\_

Debtors  
**SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	C O D E B O R R	H W J C	Husband, Wife, Joint, or Community	C O N T I N G U E N T	U N S E C U R E D	D I S P U T E D	AMOUNT OF CLAIM
			DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No. 4417-1215-2257-9120  Bank One Cardmember Services PO Box 50882 Henderson, NV 89016-0882		J	Purchases				5,949.00
Account No. 5735110487  BP/Citi PO Box 15687 Wilmington, DE 19850-5689		J	Purchases				422.00
Account No. 6035320075432516  CBUSA 541 Sid Martin Rd. Gray, TN 37615		J	Purchases				1,644.00
Account No. 4253-3302-0023-5338  Chase NA 4915 Independence Parkway Tampa, FL 33634		J	Purchases				8,597.00
Account No.  Citgo/Citi P.O. Box 15687 Wilmington, DE 19850-5689		J	Purchases				996.00
Subtotal (Total of this page)							17,608.00

Sheet no. 1 of 7 sheets attached to Schedule of  
Creditors Holding Unsecured Nonpriority Claims

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors  
**SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	C O D E B O R R	H W J C	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
			DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No. <b>5424-1800-1087-8285</b>  <b>Citi</b> <b>PO Box 6500</b> <b>Sioux Falls, SD 57117-6500</b>		<b>J</b>	<b>Purchases</b>				<b>9,041.00</b>
Account No. <b>5424-1801-5756-5109</b>  <b>Citi</b> <b>PO Box 6500</b> <b>Sioux Falls, SD 57117-6500</b>		<b>J</b>	<b>Purchases</b>				<b>5,418.00</b>
Account No. <b>16035320075432516</b>  <b>Citibank</b> <b>PO Box 6500</b> <b>Sioux Falls, SD 57117</b>		<b>J</b>	<b>Purchases</b>				<b>1,644.00</b>
Account No. <b>8798100190149671</b>  <b>Comcast</b> <b>PO Box 173885</b> <b>Denver, CO 80217</b>		<b>J</b>	<b>Services</b>				<b>Unknown</b>
Account No. <b>3635006006</b>  <b>ComEd</b> <b>Bill Payment Center</b> <b>Chicago, IL 60668</b>		<b>J</b>	<b>Utilities</b>				<b>Unknown</b>

Sheet no. 2 of 7 sheets attached to Schedule of  
Creditors Holding Unsecured Nonpriority Claims

Subtotal  
(Total of this page) **16,103.00**

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors  
**SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	C O D E B O R R	H W J C	Husband, Wife, Joint, or Community  DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No. 6011 0072 2900 5920  Discover Card PO Box 15316 Wilmington, DE 19850-5316		J	Purchases				8,211.00
Account No.  Discover Card PO Box 15316 Wilmington, DE 19850-5316		J	Purchases				5,254.00
Account No. 5181 8900 0024 4297  Emerge/PVN PO Box 105655 Atlanta, GA 30348		J	Purchases				5,905.00
Account No. 8280815112  Exxon Mobile 7840 Roswell Road Atlanta, GA 30350		J	Purchases				165.00
Account No.  FUSA NA 900 N. Market St. Wilmington, DE 19801-3030		J	Purchases				6,127.00
Subtotal (Total of this page)							25,662.00

Sheet no. 3 of 7 sheets attached to Schedule of  
Creditors Holding Unsecured Nonpriority Claims

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors  
**SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	C O D E D E B T O R	H W J C	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U A T E D	D I S P U T E D	AMOUNT OF CLAIM
			DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No.  HFC 961 Weigel Dr. Elmhurst, IL 60126		J	Purchases				3,222.00
Account No. 6035320075432516  Home Depot Unknown		J	Purchases				1,644.00
Account No. 6019452000011345  Mil Star 3911 S. Walton Walker Blvd. Dallas, TX 75265		J	Purchases				4,577.00
Account No. 14VP3C  NCO Financial Systems PO Box 41417, Dept 99 Philadelphia, PA 19101		J	Purchases				40.00
Account No.  North Shore Sanitary Unknown		J	Services				Unknown
Sheet no. <u>4</u> of <u>7</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)
							<b>9,483.00</b>



In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors  
**SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	C O D E D E B T O R	H W J C	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U A T E D	D I S P U T E D	AMOUNT OF CLAIM
			DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No.			<b>Utilities</b>				
<b>Peoples Energy 130 E. Randolph Drive Chicago, IL 60601</b>		<b>J</b>					<b>60.00</b>
Account No. 619 514 176 4			<b>Purchases</b>				
<b>Phillips 66 Co. PO Box 66 Bartlesville, OK 74005-0066</b>		<b>J</b>					<b>146.00</b>
Account No.			<b>Purchases</b>				
<b>Primeacct 200 W. Jackson St., Ste. 720 Chicago, IL 60606</b>		<b>J</b>					<b>3,464.00</b>
Account No. 03 AR 2331			<b>Lawsuit</b>				
<b>Retailer's National Bank c/o Blatt, Hasenmiller, Leibsker &amp; 2 N. LaSalle, Suite 900 Chicago, IL 60602</b>		<b>J</b>					<b>Unknown</b>
Account No. 9 261 439 936 90			<b>Purchases</b>				
<b>RNB-Target Mail Stop 2BD PO Box 9475 Minneapolis, MN 55440</b>		<b>J</b>					<b>107.00</b>
Sheet no. <u>5</u> of <u>7</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page) <b>3,777.00</b>

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors  
**SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	C O D E D E B T O R	H W J C	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
			DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No.  <b>RNBTGTVISA Mail Stop 2BD P.O. Box 9475 Minneapolis, MN 55440-9475</b>		<b>J</b>	<b>Purchases</b>				<b>5,159.00</b>
Account No.  <b>SBC Bill Payment Center Chicago, IL 60663-0001</b>		<b>J</b>	<b>Utilities</b>				<b>Unknown</b>
Account No. <b>200330033</b>  <b>Shell/Citi PO Box 15687 Wilmington, DE 19850-5689</b>		<b>J</b>	<b>Purchases</b>				<b>964.00</b>
Account No. <b>600466-013-919-8018</b>  <b>SOANB/FBUG 745 Center St. Milford, OH 45150</b>		<b>J</b>	<b>Purchases</b>				<b>629.00</b>
Account No.  <b>UNVL/CHI 8787 Baypines Jacksonville, FL 32201</b>		<b>J</b>	<b>Purchases</b>				<b>5,184.00</b>

Sheet no. 6 of 7 sheets attached to Schedule of  
Creditors Holding Unsecured Nonpriority Claims

Subtotal  
(Total of this page) **11,936.00**

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors  
**SCHEDULE F. CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE	C O D E B O R R	H W J C	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
			DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No. <b>4719-2475-0552-5890</b>			<b>Purchases</b>				<b>8,579.00</b>
<b>US Bank PO Box 108 Saint Louis, MO 63116</b>		<b>J</b>					
Account No.			<b>Purchases</b>				<b>9,124.00</b>
<b>WFB CD SVC PO Box 3696 Portland, OR 97208</b>		<b>J</b>					
Account No.							
Account No.							
Account No.							
Sheet no. <u>7</u> of <u>7</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							
Subtotal (Total of this page)							<b>17,703.00</b>
Total (Report on Summary of Schedules)							<b>109,085.00</b>

**United States Bankruptcy Court  
Northern District of Illinois**

In re Barry E. Gaines  
Luminada S. Gaines

Debtor(s)

Case No.  
Chapter

13

**VERIFICATION OF CREDITOR MATRIX**

Number of Creditors: 42

The above-named Debtor(s) hereby verifies that the list of creditors is true and correct to the best of my (our) knowledge.

Date: 1/3/04

Barry E. Gaines  
Barry E. Gaines  
Signature of Debtor

Date: 1/3/04

Luminada S. Gaines  
Luminada S. Gaines  
Signature of Debtor

ABSCBN  
Unknown

Aronson  
3401 W. 47th St.  
Chicago, IL 60632

AT&T Universal Card  
PO Box 6904  
The Lakes, NV 88901-6904

AT&T Wireless  
PO Box 8220  
Aurora, IL 60572-8220

Bank One  
Cardmember Services  
PO Box 50882  
Henderson, NV 89016-0882

BP/Citi  
PO Box 15687  
Wilmington, DE 19850-5689

CBUSA  
541 Sid Martin Rd.  
Gray, TN 37615

Chase Mortgage  
101 E. Town St.  
Columbus, OH 43215-5187

Chase Mortgage  
101 E. Town St.  
Columbus, OH 43215-5187

Chase NA  
4915 Independence Parkway  
Tampa, FL 33634

Chrysler Financial  
PO Box 2993  
Milwaukee, WI 53201-2993

Citgo/Citi  
P.O. Box 15687  
Wilmington, DE 19850-5689

Citi  
PO Box 6500  
Sioux Falls, SD 57117-6500

Citi  
PO Box 6500  
Sioux Falls, SD 57117-6500

Citibank  
PO Box 6500  
Sioux Falls, SD 57117

Comcast  
PO Box 173885  
Denver, CO 80217

ComEd  
Bill Payment Center  
Chicago, IL 60668

Discover Card  
PO Box 15316  
Wilmington, DE 19850-5316

Discover Card  
PO Box 15316  
Wilmington, DE 19850-5316

EMC Mortgage  
909 Hidden Rdg, #200  
Irving, TX 75038-3813

EMC Mortgage  
909 Hidden Rdg, #200  
Irving, TX 75038-3813

Emerge/PVN  
PO Box 105655  
Atlanta, GA 30348

Exxon Mobile  
7840 Roswell Road  
Atlanta, GA 30350

FUSA NA  
900 N. Market St.  
Wilmington, DE 19801-3030

Great Lakes Credit Union  
Building 290  
Great Lakes, IL 60088

HFC  
961 Weigel Dr.  
Elmhurst, IL 60126

Home Depot  
Unknown

Mil Star  
3911 S. Walton Walker Blvd.  
Dallas, TX 75265

NCO Financial Systems  
PO Box 41417, Dept 99  
Philadelphia, PA 19101

North Shore Sanitary  
Unknown

Peoples Energy  
130 E. Randolph Drive  
Chicago, IL 60601

Phillips 66 Co.  
PO Box 66  
Bartlesville, OK 74005-0066

Primeacct  
200 W. Jackson St., Ste. 720  
Chicago, IL 60606

Retailer's National Bank  
c/o Blatt, Hasenmiller, Leibsker &  
2 N. LaSalle, Suite 900  
Chicago, IL 60602

RNB-Target  
Mail Stop 2BD  
PO Box 9475  
Minneapolis, MN 55440

RNBTGTVISA  
Mail Stop 2BD  
P.O. Box 9475  
Minneapolis, MN 55440-9475

SBC  
Bill Payment Center  
Chicago, IL 60663-0001

Shell/Citi  
PO Box 15687  
Wilmington, DE 19850-5689

SOANB/FBUG  
745 Center St.  
Milford, OH 45150

UNVL/Citi  
8787 Baypines  
Jacksonville, FL 32201

US Bank  
PO Box 108  
Saint Louis, MO 63116

WFB CD SVC  
PO Box 3696  
Portland, OR 97208



In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

### **SCHEDULE G. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser," "Agent," etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described.

NOTE: A party listed on this schedule will not receive notice of the filing of this case unless the party is also scheduled in the appropriate schedule of creditors.

☐ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code,  
of Other Parties to Lease or Contract

Description of Contract or Lease and Nature of Debtor's Interest.  
State whether lease is for nonresidential real property.  
State contract number of any government contract.

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

## **SCHEDULE H. CODEBTORS**

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. In community property states, a married debtor not filing a joint case should report the name and address of the nondebtor spouse on this schedule. Include all names used by the nondebtor spouse during the six years immediately preceding the commencement of this case.

☐ Check this box if debtor has no codebtors.

---

NAME AND ADDRESS OF CODEBTOR

NAME AND ADDRESS OF CREDITOR

---

0 continuation sheets attached to Schedule of Codebtors

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

### SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status:  <b>Married</b>	DEPENDENTS OF DEBTOR AND SPOUSE		
	NAMES None.	AGE	RELATIONSHIP
<b>EMPLOYMENT:</b>		<b>DEBTOR</b>	
Occupation	Manager		<b>SPOUSE</b>
Name of Employer	Graham C Stores		Housekeeping
How long employed	3 Years		Seirico Hospital
Address of Employer	114 Peterson Libertyville, IL 60048		13 Years
			Great Lakes, IL

INCOME: (Estimate of average monthly income)

Current monthly gross wages, salary, and commissions (pro rate if not paid monthly)

Estimated monthly overtime

SUBTOTAL

**LESS PAYROLL DEDUCTIONS**

a. Payroll taxes and social security

b. Insurance

c. Union dues

d. Other (Specify)

SUBTOTAL OF PAYROLL DEDUCTIONS

TOTAL NET MONTHLY TAKE HOME PAY

Regular income from operation of business or profession or farm (attach detailed statement)

Income from real property

Interest and dividends

Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

Social security or other government assistance (Specify)

Pension or retirement income

Other monthly income

(Specify)

TOTAL MONTHLY INCOME

TOTAL COMBINED MONTHLY INCOME \$ **5,766.00**

DEBTOR

SPOUSE

\$ <b>3,200.00</b>	\$ <b>2,200.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>3,200.00</b>	\$ <b>2,200.00</b>

\$ <b>992.00</b>	\$ <b>616.00</b>
\$ <b>38.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>1,030.00</b>	\$ <b>616.00</b>
\$ <b>2,170.00</b>	\$ <b>1,584.00</b>

\$ <b>0.00</b>	\$ <b>650.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>1,362.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>0.00</b>	\$ <b>0.00</b>
\$ <b>3,532.00</b>	\$ <b>2,234.00</b>

(Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

In re **Barry E. Gaines,  
Luminada S. Gaines**

Case No. \_\_\_\_\_

Debtors

## SCHEDULE J. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home)	\$	1,400.00
Are real estate taxes included? Yes <u>X</u> No _____		
Is property insurance included? Yes <u>X</u> No _____		
Utilities: Electricity and heating fuel	\$	180.00
Water and sewer	\$	65.00
Telephone	\$	90.00
Other <u>Cable T.V.</u>	\$	76.00
Home maintenance (repairs and upkeep)	\$	100.00
Food	\$	400.00
Clothing	\$	100.00
Laundry and dry cleaning	\$	80.00
Medical and dental expenses	\$	48.00
Transportation (not including car payments)	\$	160.00
Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	0.00
Charitable contributions	\$	0.00
Insurance (not deducted from wages or included in home mortgage payments)		
Homeowner's or renter's	\$	0.00
Life	\$	0.00
Health	\$	0.00
Auto	\$	171.00
Other	\$	0.00
Taxes (not deducted from wages or included in home mortgage payments) (Specify) _____	\$	0.00
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan.)		
Auto	\$	0.00
Other <u>2nd Mortgage Payment</u>	\$	350.00
Other <u>Cell Phone</u>	\$	60.00
Other <u>Internet</u>	\$	46.00
Alimony, maintenance, and support paid to others	\$	300.00
Payments for support of additional dependents not living at your home	\$	0.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	1,140.00
Other _____	\$	0.00
Other _____	\$	0.00
<b>TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)</b>	<b>\$</b>	<b>4,766.00</b>

### [FOR CHAPTER 12 AND 13 DEBTORSONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income	\$	5,766.00
B. Total projected monthly expenses	\$	4,766.00
C. Excess income (A minus B)	\$	1,000.00
D. Total amount to be paid into plan each <u>Monthly</u>	\$	1,000.00

(interval)

**United States Bankruptcy Court  
Northern District of Illinois**

In re Barry E. Gaines  
Luminada S. Gaines

Debtor(s)

Case No.  
Chapter

13

**DECLARATION CONCERNING DEBTOR'S SCHEDULES**

**DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 21 sheets [total shown on summary page plus 1], and that they are true and correct to the best of my knowledge, information, and belief.

Date

1/3/04

Signature

Barry E. Gaines  
Debtor

Date

1/3/04

Signature

Luminada S. Gaines  
Joint Debtor

*Penalty for making a false statement or concealing property:* Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.

Form 7  
(9/00)

**United States Bankruptcy Court  
Northern District of Illinois**

In re **Barry E. Gaines  
Luminada S. Gaines**

Debtor(s)

Case No.  
Chapter

**13**

**STATEMENT OF FINANCIAL AFFAIRS**

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs.

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. If the answer to an applicable question is "None," mark the box labeled "None." If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

**DEFINITIONS**

**"In business."** A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within the six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed.

**"Insider."** The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

**1. Income from employment or operation of business**

None ☐ State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the two years immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE (if more than one)
\$35,200.00	2003 Husband
\$24,200.00	2003 Wife
\$8,250.00	2003 Wife - Business
\$38,400.00	2002 Husband
\$26,200.00	2002 Wife
\$650.00	2002 Wife - Business
\$38,000.00	2001 Husband
\$26,000.00	2001 Wife
\$0.00	2001 Wife - Business

**2. Income other than from employment or operation of business**

None ☐ State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
\$15,000.00	2003 Husband - Retirement
\$16,344.00	2002 Husband - Retirement
\$16,344.00	2001 Husband - Retirement

**3. Payments to creditors**

None ☒ a. List all payments on loans, installment purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within **90 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
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None ☒ b. List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
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**4. Suits and administrative proceedings, executions, garnishments and attachments**

None ☐ a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
Retailer's National Bank v. Barry Gaines 03 AR 2331	Lawsuit		Pending

None ☒ b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
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**5. Repossessions, foreclosures and returns**

None ☒ List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
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**6. Assignments and receiverships**

- None ☐ a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
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- None ☐ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
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**7. Gifts**

- None ☐ List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
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**8. Losses**

- None ☐ List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case or since the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS
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**9. Payments related to debt counseling or bankruptcy**

- None ☐ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
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**10. Other transfers**

- None ☐ List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
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**11. Closed financial accounts**

None ☐ List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE AND NUMBER OF ACCOUNT AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
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**12. Safe deposit boxes**

None ☐ List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
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**13. Setoffs**

None ☐ List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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**14. Property held for another person**

None ☐ List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
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**15. Prior address of debtor**

None ☐ If the debtor has moved within the **two years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
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**16. Spouses and Former Spouses**

None ☐ If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the **six-year period** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

**17. Environmental Information.**

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

- None ☐ a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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- None ☐ b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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- None ☐ c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
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**18 . Nature, location and name of business**

- None ☐ a. If the debtor is an individual, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partnership, sole proprietorship, or was a self-employed professional within the six years immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within the six years immediately preceding the commencement of this case.

If the debtor is a partnership, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within the six years immediately preceding the commencement of this case.

If the debtor is a corporation, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within the six years immediately preceding the commencement of this case.

NAME	TAXPAYER I.D. NUMBER	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
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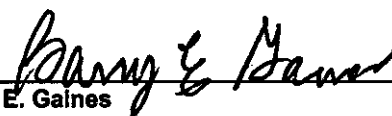
- None ☐ b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME	ADDRESS
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**DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date 1/3/04

Signature   
Barry E. Gaines  
Debtor

Date 1/3/04

Signature   
Luminada S. Gaines  
Joint Debtor

*Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571*

**United States Bankruptcy Court**  
**Northern District of Illinois**

In re Barry E. Gaines  
Luminada S. Gaines

Debtor(s)

Case No.

Chapter 13

**DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)**

1. Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept.....	\$	<u>2,700.00</u>
Prior to the filing of this statement I have received.....	\$	<u>0.00</u>
Balance Due.....	\$	<u>2,700.00</u>

2. The source of the compensation paid to me was:

☒ Debtor ☐ Other (specify):

3. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify):

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed]

**Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.**

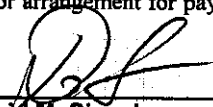
6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

**Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding.**

**CERTIFICATION**

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

Dated: 1/3/04

  
 \_\_\_\_\_  
**David M. Siegel**  
**David M. Siegel & Associates**  
 PO Box 975  
 Northbrook, IL 60065  
 (847) 564-2191

## INTRODUCTION

Pursuant to the Bankruptcy Reform Act of 1994, the Office of the United States Trustee, United States Department of Justice, has prepared this information sheet to help you understand some of the possible consequences of filing a bankruptcy petition under chapter 7 of the Bankruptcy Code. This information is intended to make you aware of...

- (1) the potential consequences of seeking a discharge in bankruptcy, including the effects on credit history;
- (2) the effect of receiving a discharge of debts
- (3) the effect of reaffirming a debt; and
- (4) your ability to file a petition under a different chapter of the Bankruptcy Code.

There are many other provisions of the Bankruptcy Code that may affect your situation. This information sheet contains only general principles of law and is not a substitute for legal advice. If you have questions or need further information as to how the bankruptcy laws apply to your specific case, you should consult with your lawyer.

## WHAT IS A DISCHARGE?

The filing of a chapter 7 petition is designed to result in a discharge of most of the debts you listed on your bankruptcy schedules. A discharge is a court order that says you do not have to repay your debts, but there are a number of exceptions. Debts which may not be discharged in your chapter 7 case include, for example, most taxes, child support, alimony, and student loans; court-ordered fines and restitution; debts obtained through fraud or deception; and personal injury debts caused by driving while intoxicated or taking drugs. Your discharge may be denied entirely if you, for example, destroy or conceal property; destroy, conceal or falsify records; or make a false oath. Creditors cannot ask you to pay any debts which have been discharged. You can only receive a chapter 7 discharge once every six (6) years.

## WHAT ARE THE POTENTIAL EFFECTS OF A DISCHARGE?

The fact that you filed bankruptcy can appear on your credit report for as long as 10 years. Thus, filing a bankruptcy petition may affect your ability to obtain credit in the future. Also, you may not be excused from repaying any debts that were not listed on your bankruptcy schedules or that you incurred after you filed for bankruptcy.

## WHAT ARE THE EFFECTS OF REAFFIRMING A DEBT?

After you file your petition, a creditor may ask you to reaffirm a certain debt or you may seek to do so on your own. Reaffirming a debt means that you sign and file with the court a legally enforceable document, which states that you promise to repay all or a portion of the debt that may otherwise have been discharged in your bankruptcy case. Reaffirmation agreements must generally be filed with the court within 60 days after the first meeting of the creditors.

Reaffirmation agreements are strictly voluntary — they are not required by the Bankruptcy Code or other state or federal law. You can voluntarily repay any debt instead of signing a reaffirmation agreement, but there may be valid reasons for wanting to reaffirm a particular debt.

Reaffirmation agreements must not impose an undue burden on you or your dependents and must be in your best interest. If you decide to sign a reaffirmation agreement, you may cancel it at any time before the court issues your discharge order or within sixty (60) days after the reaffirmation agreement was filed with the court, whichever is later. If you reaffirm a debt and fail to make the payments required in the reaffirmation agreement, the creditor can take action against you to recover any property that was given as security for the loan and you may remain personally liable for any remaining debt.

## OTHER BANKRUPTCY OPTIONS

You have a choice in deciding what chapter of the Bankruptcy Code will best suit your needs. Even if you have already filed for relief under chapter 7, you may be eligible to convert your case to a different chapter.

Chapter 7 is the liquidation chapter of the Bankruptcy Code. Under chapter 7, a trustee is appointed to collect and sell, if economically feasible, all property you own that is not exempt from these actions.

Chapter 11 is the reorganization chapter most commonly used by businesses, but it is also available to individuals. Creditors vote on whether to accept or reject a plan, which also must be approved by the court. While the debtor normally remains in control of the assets, the court can order the appointment of a trustee to take possession and control of the business.

Chapter 12 offers bankruptcy relief to those who qualify as family farmers. Family farmers must propose a plan to repay their creditors over a three-to-five year period and it must be approved by the court. Plan payments are made through a chapter 12 trustee, who also monitors the debtor's farming operations during the pendency of the plan.

Finally, chapter 13 generally permits individuals to keep their property by repaying creditors out of their future income. Each chapter 13 debtor writes a plan which must be approved by the bankruptcy court. The debtor must pay the chapter 13 trustee the amounts set forth in their plan. Debtors receive a discharge after they complete their chapter 13 repayment plan. Chapter 13 is only available to individuals with regular income whose debts do not exceed \$1,000,000 (\$250,000 in unsecured debts and \$750,000 in secured debts).

**AGAIN, PLEASE SPEAK TO YOUR LAWYER IF YOU NEED FURTHER INFORMATION OR EXPLANATION, INCLUDING HOW THE BANKRUPTCY LAWS RELATE TO YOUR SPECIFIC CASE.**

Barry E. James  
Debtor's Signature

1/3/04  
Date

Luminada S. Gaines  
CO-DEBTOR

1/3/04